

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 13, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1922**

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### Introduced by Assembly Member Gomez

February 19, 2014

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An act to amend Section 815.3 of the Civil Code, to amend Section 65560 of the Government Code, and to add Chapter 10.5 (commencing with Section 5845) to Division 5 of the Public Resources Code, relating to open-space lands.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1922, as amended, Gomez. Greenway Development and Sustainment Act.

Existing law establishes various plans and programs intended to preserve, protect, and rehabilitate lands adjacent to rivers in the state.

This bill would enact the Greenway Development and Sustainment Act, which is intended to promote the development of greenways along *urban* rivers in the state, including the development of a greenway along the Los Angeles River *and its tributaries*. The bill would define the term “greenway” for purposes of the bill ~~and would authorize a city, county, city and county, or other local government entity to designate lands along a river in its jurisdiction as a greenway, upon approval of its legislative body by ordinance or resolution, or by incorporating such a designation into an adopted general plan element or adopted river~~

~~master plan, and to apply for public or private funding available for the development of a greenway in its jurisdiction, to be used in a manner consistent with applicable state laws: as a nonmotorized vehicle transportation and recreational travel corridor that meets specified requirements and would include greenways in the definition of “open-space land” for local planning purposes.~~

Existing law authorizes certain entities and organizations to acquire and hold conservation easements, including a tax exempt nonprofit organization qualified to do business in this state that has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.

This bill would also authorize such a tax exempt nonprofit organization to acquire and hold a conservation easement if the organization has as its primary purpose the development of a greenway.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) The Legislature hereby finds and declares
- 2     all of the following:
- 3         (1) Open-space land is necessary not only for the maintenance
- 4         of the economy of the state, but for, among other purposes, the
- 5         enjoyment of scenic beauty, recreation, and the use and
- 6         preservation of natural resources. Moreover, the growing
- 7         population of the state makes it important that existing open-space
- 8         resources be preserved and well maintained, and that access to
- 9         those resources be ensured for the health benefits and well-being
- 10        of the state’s population. The preservation of open-space land is
- 11        especially critical in urban areas where the amount of usable
- 12        open-space land is limited.
- 13        (2) Open-space land provides relief from the effects of urban
- 14        congestion and opportunities for relaxation, exercise, community
- 15        interaction, and the observation and appreciation of wildlife, which
- 16        helps to combat both physical and psychological stress. Trees
- 17        located on open-space land also provide shade and help reduce
- 18        ambient temperatures and restore oxygen to the atmosphere.
- 19        (3) Greenways are public infrastructure located along natural
- 20        landscape features such as urban watercourses, which, because of

1 their linear structure, help to physically and psychologically  
2 connect various neighborhoods with one another while providing  
3 a means of habitat connectivity.

4 (4) Greenways can directly improve the quality of life in  
5 communities by providing important recreational, open-space land,  
6 wildlife, flood management, water quality, air quality,  
7 transportation, emergency response, and urban waterfront  
8 revitalization benefits to those communities.

9 (5) Greenways can foster livable communities by utilizing public  
10 lands for multiple, complementary purposes, such as placemaking,  
11 connecting diverse communities, reducing dependence on  
12 automobiles, expanding nonmotorized transportation networks  
13 with safer routes to jobs, homes, and schools, encouraging more  
14 transit-oriented development, and facilitating healthier behaviors  
15 by providing opportunities for exercise and the maintenance of a  
16 healthy, active lifestyle.

17 (6) Greenways can complement and enhance public amenities  
18 and public-serving retail services that provide additional access to  
19 historically underserved communities by attracting residents and  
20 visitors to these areas. Greenways can increase public safety and  
21 foster improved civic vigilance. Greenways in cities throughout  
22 the world have demonstrated the effectiveness and benefits of  
23 sustainable and successful public-private partnerships.

24 (7) Greenways encourage healthier residential communities by  
25 facilitating development that allows people to live closer to job  
26 centers and use public transportation alternatives.

27 (8) Greenways reduce the amount of parking necessary for small  
28 businesses because of reduced automobile traffic, encourage the  
29 development of affordable housing in urban areas, and promote  
30 walking and cycling and increased community interaction.

31 (9) Greenways encourage economic investment and community  
32 revitalization by connecting people in new ways.

33 (b) The Legislature finds and declares the following with regard  
34 to the development of a greenway along the Los Angeles River  
35 *and its tributaries*:

36 (1) The *area along the Los Angeles River and its tributaries* is  
37 ~~a site that~~ is particularly suited for the development of a greenway.  
38 A Los Angeles River greenway that focuses on public-private  
39 partnerships aimed at establishing a continuous pedestrian bikeway

1 along the Los Angeles River and its ~~key~~ tributaries would foster  
2 job creation, economic development, and community revitalization.

3 (2) A Los Angeles River greenway that establishes a continuous  
4 pedestrian bikeway along the Los Angeles River and its ~~key~~  
5 tributaries would encourage community revitalization by investing  
6 in an efficient cycling and walking recreational transit route  
7 following the 51-mile Los Angeles River corridor. The greenway  
8 would also connect existing communities along the Los Angeles  
9 River to a network of parks and multiuse public trails.

10 (3) A Los Angeles River greenway would build upon a long  
11 history of support for a multiuse greenway network along the most  
12 significant river in the nation's second largest city. Since the 1980s,  
13 residents of the Los Angeles area have been advocating for the  
14 development of a trail network along the Los Angeles River. The  
15 County of Los Angeles' Los Angeles River Master Plan in 1996,  
16 the City of Los Angeles' Los Angeles River Revitalization Master  
17 Plan in 2007, the City of Los Angeles Bicycle Plan in 2010, the  
18 County of Los Angeles Bicycle Plan in 2012, and President  
19 Obama's prioritization of the Los Angeles River trail system in  
20 the President's America's Great Outdoors Initiative in 2012 all  
21 promote the development of a river trail system along the Los  
22 Angeles River.

23 (4) A Los Angeles River greenway would build upon a long  
24 history of investment by the state in the development of parks and  
25 trails along the Los Angeles River, including Rio de Los Angeles  
26 State Park and Los Angeles State Historic Park. Moreover, a Los  
27 Angeles River greenway would complement the work of key state  
28 entities, including the Santa Monica Mountains Conservancy and  
29 various other state rivers and mountains conservancies.

30 (5) Because of its ability to leverage private investments to  
31 match commitments of public funds, the development of a Los  
32 Angeles River greenway by the City of Los Angeles, *working with*  
33 *other local governments*, would allow the state to concentrate and  
34 streamline investments it has already made in communities adjacent  
35 to the Los Angeles River *and its tributaries*, and would provide a  
36 funding model for types of investments funding greenways that  
37 may be replicated in other priority urban waterways in the future.

38 (6) ~~Given~~ *By developing a greenway that promotes sustainability*  
39 *and acts as a transportation corridor, a city, county, or city and*

1 *county may apply for alternative fuels funding, greenhouse gas*  
2 *reduction funds, and other land use funds, as appropriate.*

3 (7) *Given the current fiscal constraints facing public agencies,*  
4 *it is time for the state to acknowledge and take advantage of the*  
5 *ability of private sector investments to sustain public infrastructure*  
6 *at all levels. Efforts to promote investment in the Los Angeles*  
7 *River trail system should be encouraged to prevent partial,*  
8 *disjointed, and inefficient development of the trail system.*

9 ~~(7)~~

10 (8) *A Los Angeles River greenway would provide a social and*  
11 *natural resource amenity that would be complete and accessible*  
12 *to the public in the next seven years, and would be a resource that*  
13 *could be utilized and enjoyed by children in the Los Angeles area*  
14 *during their childhood years.*

15 ~~(8)~~

16 (9) *A Los Angeles River greenway would improve the*  
17 *conditions of daily life in Los Angeles' urban communities and*  
18 *would increase the value of the state's investments while providing*  
19 *critically needed, tangible urban waterway revitalization in the*  
20 *Los Angeles area.*

21 ~~(9)~~

22 (10) *A greenway should be established in the area encompassing*  
23 *the Los Angeles River from its headwaters in the Community of*  
24 *Canoga Park to a point of discharge into the Pacific Ocean at San*  
25 *Pedro Bay in the City of Long Beach, with a width of one-quarter*  
26 *to one mile on both banks and at least one mile upstream along*  
27 *both banks of its tributaries, as feasible. Within the City of Los*  
28 *Angeles, the greenway could be coterminous with the area included*  
29 *in the Los Angeles River Improvement Overlay district.*

30 ~~(10)~~

31 (11) *The County of Los Angeles' Los Angeles River Master*  
32 *Plan and the City of Los Angeles' Los Angeles River Revitalization*  
33 *Master Plan call for the development of a greenway along the Los*  
34 *Angeles River.*

35 (c) *It is therefore the intent of the Legislature in enacting Chapter*  
36 *10.5 (commencing with Section 5845) of Division 5 of the Public*  
37 *Resources Code to promote the development of greenways along*  
38 *urban rivers in the state through public and private partnership,*  
39 *including the development of a greenway along the Los Angeles*  
40 *River and its tributaries.*

1 SEC. 2. Section 815.3 of the Civil Code is amended to read:

2 815.3. Only the following entities or organizations may acquire  
3 and hold conservation easements:

4 (a) A tax-exempt nonprofit organization qualified under Section  
5 501(c)(3) of the Internal Revenue Code and qualified to do business  
6 in this state that has as its primary purpose the preservation,  
7 protection, or enhancement of land in its natural, scenic, historical,  
8 agricultural, forested, or open-space condition or use, or the  
9 development of a greenway, as defined in Section 5846 of the  
10 Public Resources Code.

11 (b) The state or any city, county, city and county, district, or  
12 other state or local governmental entity, if otherwise authorized  
13 to acquire and hold title to real property and if the conservation  
14 easement is voluntarily conveyed. ~~No~~ A local governmental entity  
15 ~~may~~ *shall not* condition the issuance of an entitlement for use on  
16 the applicant's granting of a conservation easement pursuant to  
17 this chapter.

18 (c) A federally recognized California Native American tribe or  
19 a nonfederally recognized California Native American tribe that  
20 is on the contact list maintained by the Native American Heritage  
21 Commission to protect a California Native American prehistoric,  
22 archaeological, cultural, spiritual, or ceremonial place, if the  
23 conservation easement is voluntarily conveyed.

24 SEC. 3. Section 65560 of the Government Code is amended  
25 to read:

26 65560. (a) "Local open-space plan" is the open-space element  
27 of a county or city general plan adopted by the board or council,  
28 either as the local open-space plan or as the interim local  
29 open-space plan adopted pursuant to Section 65563.

30 (b) "Open-space land" is any parcel or area of land or water that  
31 is essentially unimproved and devoted to an open-space use as  
32 defined in this section, and that is designated on a local, regional,  
33 or state open-space plan as any of the following:

34 (1) Open space for the preservation of natural resources  
35 including, but not limited to, areas required for the preservation  
36 of plant and animal life, including habitat for fish and wildlife  
37 species; areas required for ecologic and other scientific study  
38 purposes; rivers, streams, bays, and estuaries; and coastal beaches,  
39 lakeshores, banks of rivers and streams, greenways, and watershed  
40 lands.

(2) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers, and streams—~~which~~ *that* are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, greenways, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas that require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

(5) Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.

(6) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

SEC. 4. Chapter 10.5 (commencing with Section 5845) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 10.5. GREENWAY DEVELOPMENT AND SUSTAINMENT  
ACT

5845. This chapter shall be known, and may be cited, as the Greenway Development and Sustainment Act.

5846. For purposes of this chapter, ~~“greenway”~~ *the following terms have the following meanings:*

1 (a) “Adjacent” means within 400 yards from the property  
2 boundary of an existing urban waterway.

3 (b) “Greenway” means a pedestrian and bicycle, nonmotorized  
4 vehicle transportation, and recreational travel corridor that meets  
5 the following requirements:

6 ~~(a)~~  
7 (1) Includes landscaping that improves rivers and streams,  
8 provides flood protection benefits, and incorporates the  
9 significance and value of natural, historical, and cultural  
10 resources, as documented in the local agency’s applicable planning  
11 document, including, but not limited to, a master plan, a general  
12 plan, or a specific plan.

13 (2) Is separated and protected from shared roadways, ~~parallels~~  
14 is adjacent to an urban waterway, and incorporates both ease of  
15 access to ~~adjacent~~ nearby communities and an array of amenities  
16 and services for the users of the corridor and nearby communities.

17 ~~(b)~~  
18 (3) Is ~~publicly accessible and located on a combination of public~~  
19 ~~and lands or private lands, or a combination of public and private,~~  
20 ~~lands, if public access to those lands is provided by lands owned~~  
21 ~~in fee simple, leases, or easements where public access to those~~  
22 ~~lands for greenway purposes has been legally authorized by the~~  
23 ~~fee owner of the land and, if applicable, the operator of any facility~~  
24 ~~or improvement located on the land, through leases, easements,~~  
25 ~~or other agreements entered into by the fee owner and the operator~~  
26 ~~of any affected facility or improvement on the land.~~

27 ~~(c)~~  
28 (4) Reflects design standards ~~with~~ regarding appropriate widths,  
29 clearances, setbacks from obstructions, and centerlines protecting  
30 directional travel, ~~where appropriate, and other considerations, as~~  
31 ~~appropriate, that are applicable for each affected local agency,~~  
32 ~~as documented in the local agency’s applicable planning document,~~  
33 ~~including, but not limited to, a master plan, general plan, or~~  
34 ~~specific plan.~~

35 ~~(d) Incorporates appropriate landscaping, lighting, public~~  
36 ~~amenities, and art.~~

37 (5) May incorporate appropriate lighting, public amenities, art,  
38 and other features that are consistent with a local agency’s  
39 planning document, including, but not limited to, a general plan,  
40 master plan, or specific plan.



1 (c) “Urban waterway” means a creek, stream, or river that  
2 crosses (1) developed residential, commercial, or industrial  
3 property or (2) open space where the land use is designated as  
4 residential, commercial, or industrial, as referenced in a local  
5 agency’s planning document, including, but not limited to, a  
6 general plan, master plan, or specific general plan.

7 ~~5847. (a) A city, county, city and county, or other local~~  
8 ~~government entity may designate lands along a river in its~~  
9 ~~jurisdiction as a greenway, upon approval of its legislative body~~  
10 ~~by ordinance or resolution, or by incorporating such a designation~~  
11 ~~into an adopted general plan element or an adopted river master~~  
12 ~~plan.~~

13 ~~(b) A city, county, city and county, or other local government~~  
14 ~~entity may adopt ordinances or resolutions that regulate public~~  
15 ~~health and safety or traffic within a designated greenway in its~~  
16 ~~jurisdiction.~~

17 ~~5848. A city, county, city and county, or other local government~~  
18 ~~entity may apply for public or private funding available for the~~  
19 ~~development of a greenway in its jurisdiction, and any funds~~  
20 ~~secured for that purpose shall be used in a manner consistent with~~  
21 ~~applicable state laws. Funding that may be secured for the purposes~~  
22 ~~of this chapter is not limited to parkway, riverway, or other~~  
23 ~~water-related funds. A city, county, or city and county may also~~  
24 ~~seek transportation, alternative fuel, greenhouse gas reduction, or~~  
25 ~~other land use funds for the purposes of this chapter.~~